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SEPA/US**

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To mslam@utah.gov, kcgee@unitedpark.com

cc

bcc

Subject empire comments in email text

May 18, 2003

Ref: 8EPR-SR

Mr. Kerry Gee
Vice President
United Park City Mines
PO Box 1480
Park City, UT 84060

Dear Kerry -

EPA has reviewed the draft EE/CA dated March 3, 2003 for the Empire Canyon Site. We offer the following comments:

1. Page 2. Define "Best Management Practices." It is used throughout the document with no explanation of what it means.
2. Page 4. The TMDL analysis is now expected to be complete in 2003.
3. Page 4. EPA is not assessing the Flagstaff Development area under any regulatory program. United Park City Mines, in cooperation with the USCWSG, is voluntarily addressing the Flagstaff area.
4. Page 16. As we discussed, please omit or clarify all references to "COC's." While I recognize that zinc and cadmium are the primary metals of interest in surface water, and lead and arsenic are the primary metals of interest in soils, they are not the only COC's. There is a strict definition of COCs, which at this site may be inclusive of several other metals with elevated concentrations. Here, we focus on zinc and cadmium in surface water because they are most elevated relative to risk and regulatory levels, and are good indicators of metal contamination in general. Similarly, through other metals may be elevated in soils, we focus on lead and arsenic because numerous EPA risk assessments have shown that they are the risk drivers. If you address issues related to these metals, you address any issues with other metals.
5. Page 31. EE/CA's require only a streamlined risk assessment. This document goes into substantial detail beyond what I would consider "streamlined," with human health risk calculations similar to those found in a baseline risk assessment. In general, it is Region 8's policy not to allow PRP's to perform such risk analysis. Keeping this in mind, for work in the watershed, I would prefer not to get into details of developing site-specific cleanup numbers where we do not have to. We've discussed this many times before and it has served us well at Flagstaff. It applies to Empire Canyon as well, where in reality we don't need calculations to justify what we need to do - remove and isolate mine waste.

Trying to develop site-specific risk-based numbers requires substantial coordination, time, and money. It often puts PRPs and EPA at odds where otherwise we agree. This is all evident in our work at Richardson Flat. In this document, a great deal of the text is spent developing site-specific, risk-based cleanup goal for recreational users, and the number is, in effect, not used. (Note also that you did not choose to develop numerical goals for ecological risk, which makes the document inconsistent to some degree). None of UPCM's human health cleanup goals are substantially exceeded, yet as we discussed a few weeks ago, UPCM is still opting to cover or reroute recreational trails in areas of mine waste. And while UPCM's cleanup goals are high relative to other sites in Region 8 where recreational standards were developed, EPA does not disagree that any risk present to a recreational user would be minimal and certainly does not disagree with the proposed removal actions. Since it serves no real purpose in this document and would at a minimum require more substantial review and input by EPA (and likely would be something we object to), I suggest that UPCM scratch the detailed discussion of development of risk-based cleanup standards, and rather lay out the specific reasons why trails are to be covered or rerouted (such as agreements with Park City; ensuring protectiveness even though risk is minimal, aesthetics, etc.). Simply state that while risk calculations suggest that little is present, UPCM believes certain actions are necessary and expound on that.

6. Page 36. I am concerned with lining a high velocity channel with clay. What construction steps are being taken to ensure the clay remains and is not washed away?

7. Page 33. EPA has already prepared a community involvement plan for the USCWSG. We envision preparing an addendum for the Empire Canyon Site.

8. Page 33. As we discussed, you should add some lead-in to Section 9.0 which describes other possible alternatives and why they were not evaluated in detail. For instance, no one would argue that complete removal of mine wastes would be beneficial, but it is impractical and not cost-effective. Similarly, capturing and treating water would ensure reduced loading, but would be impractical and not cost-effective, nor permanent. Some might argue that culverting the water through all areas of concern would be effective at isolating the water, but this is not beneficial for many reasons.

9. I would like some more detail on the proposed repository site near the Judge Tunnel outlet before it is considered further.

We should discuss next steps soon, as well as beginning to put together a detailed time line such as shown on Page 32. The time-limiting step will be negotiation of an AOC. The key technical documents for the AOC will be the Action Memorandum (written by EPA) and a technical work plan (written by UPCM). Please call me if you have questions. Thanks.

Sincerely,

Jim Christiansen
Remedial Project Manager